REMARKS

Claims 1, 3-10, and 12-14, have been canceled without prejudice as being drawn to a non-elected invention, and based on the Examiner's making final his determination on this issue. The application now includes claims 11, 15 and 16, and these claims remain in the application without amendment.

The undersigned requests that the USPTO records be corrected to include the correct spelling of "PROCESSES" in the Title of the application. The spelling in the official filing receipt mailed October 5, 2001 incorrectly has the spelling as "PORCESSES".

Claims 11 and 15-16 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0101133 of DeFrancesco, Jr. et al. Applicants traverse as discussed below.

With one exception, the rejection of Claims 11 and 15-16 essentially restates the grounds of rejection presented in the office action mail February 2, 2005, the response to which is incorporated by reference as if fully restated herein.

In short, the Examiner's position appears to be that workflow management system of DeFrancesco anticipates the claimed invention because it shows a process that runs on a computer. The Examiner recognizes that the DeFrancesco reference does not show or suggest anything with respect to representing a business process as a state machine, as is required by the claims (e.g., "a computer code representation of a state machine representing a business process to be implemented"; "a graphical user interface (GUI) used to view and edit a graphical representation of the state machine"; "a commerce flow engine which stores and executes the state machine representation of the process"). Therefore, the Examiner has relied on excerpts from a general purpose dictionary (Whatis.com) to roughly equate a "computer" to a "state machine" (see office action at pages 3 and 4). However, this type of interpretation is (1) counter to that which is taught in DeFrancesco and counter to that which would be understood by one of ordinary skill in the art, and (2) still would not anticipate or make obvious

any of the features of the claimed invention which require the business process to be represented as a state machine.

With reference to paragraph 110 of DeFrancesco, which was previously cited by the Examiner, the text clearly states that "In another embodiment, the invention is implemented primarily in hardware...Implementation of the hardware state machine so as to perform the function described herein will be apparent to persons skilled in the relevant art(s)" (emphasis added). Thus, DeFrancesco teaches the state machine implementation to be an alternative to the software instruction format described on pages 1-9 of the patent application. Thus, it is improper to conclude that one of ordinary skill in the art would read "state machine" and "computer" interchangeably, particularly in view of DeFrancesco's own teaching.

One of ordinary skill in the art, reading the patent application, as well as the prior art including both DeFrancesco and the Whatis.com reference cited by the Examiner, would understand that some (but not all) state machines are computers, and that a computer can sometimes function as a state machine, but not always. This understanding would also flow from the Whatis.com reference which states that a computer is basically a computer (i.e., it is not exactly a computer, and there are differences). A "computer" would generally be understood by those who are skilled in the art as referring to a general-purpose, re-programmable data processing device. In the Whatis.com reference, a "state machine" is any device that stores the status of something at a given time and can operate on input to change the status and/or cause an action or output to take place. The word "any" necessarily includes machines other than computers (and this squares with the DeFrancesco description distinguishing a state machine implementation from a software implementation). Furthermore, there is no basis for concluding that the Whatis.com definition represents the plain meaning of "state machine" given to the term by those of ordinary skill in the art. *See* Manual of Patent Examination Procedure, § 2111.01. Whatis.com is a general-purpose online reference, not a technical reference. Other general-purpose online references, such as Wikipedia, do not support the conclusion that "state machine" is another term for

"computer." (See attached printout from Wikipedia.com). Moreover, the Dictionary of Algorithms and Data Structure, available online at the nist.gov website maintained by the National Institute of Standards and Technology, defines "state machine" as:

> A model of computation consisting of a (possibly infinite) set of states, a set of start states, an input alphabet, and a transition function which maps input symbols and current states to a next state. Usually understood to be a finite state machine.

This is the definition that would be applied by those of ordinary skill in the art.

Moreover, DeFrancesco does not anticipate or suggest the central features of the invention. That is, whether or not DeFrancesco is operating as software or hardware (a state machine implementation), it does not show or suggest "a computer code representation of a state machine representing a business process" (see also Figure 4 of the present application at box 402), or editing the "the state machine representing the business process", or having a newly created or modified process be compiled (see step between 402 and 421 in Figure 4 of application), and the resulting state machine being stored for use. All that DeFrancesco describes is an automated credit application system which allows different workgroups to process simultaneously and allows the ability to check the status of active steps.

Claims 11, 15 and 16 should now be in condition for allowance. Reconsideration at an early date is requested.

Applicant hereby makes a written conditional petition for extension of time, if required. Please charge any deficiencies in fees and credit any overpayment of fees to

Applicants' Deposit Account No. 50-0510 (IBM Corporation).

Respectfully submitted,

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